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Message Text

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64
ACTION IO-10

INFO OCT-01 EUR-12 ISO-00 AF-06 ARA-06 EA-06 NEA-10 L-03

OIC-02 SSO-00 NSCE-00 USIE-00 INRE-00 FEA-01 AID-05

CEQ-01 CIAE-00 OFA-01 COME-00 DODE-00 EB-07 EPA-01

INR-07 NSF-01 NSC-05 NSAE-00 PM-03 OES-03 SS-15 SP-02

ACDA-05 /113 W
---------- 104797
O R 192051Z JUN 75
FM USMISSION GENEVA
TO SECSTATE WASHDC IMMEDIATE 3897
INFO AMEMBASSY MOSCOW
USMISSION NATO BRUSSELS

C O N F I D E N T I A L GENEVA 4671

DEPARTMENT PLEASE PASS TO NOAA

EO 11652: XGDS-3 IMPOSSIBLE TO DETERMINE
TAGS: PARM CCD UN US UR
SUBJ: US-USSR BILATERALS ON ENVIRONMENTAL MODIFICATION:
THIRD PLENARY

GENEVA ENMOD MESSAGE NUMBER SEVEN

1. SUMMARY: IN THIRD PLENARY, DELEGATION COMPLETED DETAILED REVIEW OF ARTICLES IN THE TWO DRAFT ENMOD TREATIES, ANTICIPATING INFORMAL MEETING JUNE 20 TO DRAFT BRACKETED TEXT. FINAL PLENARY EXPECTED FOR AFTERNOON OF JUNE 20. END SUMMARY.

2. THIRD PLENARY TOOK PLACE AT US MISSION BEGINNING 10:00 A.M., WITH BREAK FOR LUNCH. DAVIES WAS IN CHAIR. DAVIES OPENED BY RESTATING US INTENTION IN THESE BILATERAL DISCUSSIONS, PER ITS INSTRUCTIONS, NOTING PARTICULARLY THAT US SIDE WAS NOT AUTHORIZED TO AGREE TO ANY SUBSTANTIVE
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CHANGES IN US DRAFT. HOWEVER, US DELEGATION BELIEVED THAT,

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IN SEEKING TO NARROW DIFFERENCES AND TO DEFINE PRECISELY
THE ISSUES BETWEEN THE TWO SIDES, IT WOULD BE USEFUL
TO DEVELOP A HYPOTHETICAL OR ILLUSTRATIVE JOINT DRAFT
TEXT WITH BRACKETS, FOOTNOTES, OR OTHER APPROPRIATE
ANNOTATIONS INDICATING DISAGREED PORTIONS. THIS
ILLUSTRATIVE DRAFT COULD THEN BE REFERRED TO THE
RESPECTIVE GOVERNMENTS FOR DECISONS REGARDING FURTHER
STEPS TO BE TAKEN.

3. FEDOROV AGREED TO PROCEED, NOTING THAT SOVIETS
STRONGLY DESIRED ANSWERS FROM US GOVERNMENT "SOON" TO
HYPOTHETICAL TEXT. HE OUTLINED TWO POSSIBILITIES. FIRST,
DELEGATIONS COULD PREPARE A TEXT AND SUBMIT IT TO GOVERNMENTS,
THEN WAIT ONE TO THREE DAYS, (BUT NOT ONE TO THREE MONTHS),
IN ORDER TO WORK OUT DIFFERENCES WHEN THE TEXTS WERE RETRANS-
MITTED BACK TO THE DELEGATIONS; THEN REPEAT THE PROCESS
UNTIL A FINAL TEXT WAS ESTABLISHED. ALTERNATIVELY, DELS
COULD WORK OUT TEXT, THEN STOP TALKS AND RESUME A MONTH
OR SO LATER DEPENDING ON GOVERNMENT DECISIONS. SOVIETS
PREFER FORMER APPROACH.

4. DAVIES RESPONDED THAT US PLANS TO PROCEED WITH THE
TABLING OF A DRAFT TREATY OF ITS OWN EARLY IN THE CCD
SESSION, BUT THAT IT WOULD BE USEFUL FOR THE TWO DELEGATIONS
TO MAKE EVERY EFFORT TO COMPLETE EXPLORATIONS AND TRANSMIT
RESULTS TO GOVERNMENTS EXPEDITIOUSLY. PERSONALLY, HE
HOPED TO SUBMIT SUCH A REPORT TO WASHINGTON BY COB FRIDAY.
REGARDING FEDOROV'S TWO POSSIBILITIES, DAVIES THOUGHT THAT
AFTER CONSTRUCTING BRACKETED TEXT DELEGATIONS MIGHT BE
ABLE TO JUDGE WHETHER GOVERNMENT COULD ACT QUICKLY;
IT THERE WERE STILL IMPORTANT DISAGREEMENTS, THE PRESENCE
OF FEDOROV IN MOSCOW AND DAVIES IN WASHINGTON MIGHT BE
NECESSARY TO EXPEDITE ACTION. HE SUGGESTED: (A) POSTPONING
DECISION REGARDING FUTURE OF TALKS UNTIL FINAL PRODUCT
WAS AVAILABLE; (B) COMPLETING PLENARY REVIEW TWO DRAFTS
ON TABLE; (C) THEN PRODUCING BRACKETED TEXT INFORMALLY.
FEDOROV AGREED, NOTING THAT IF DELEGATIONS AND GOVERNMENT
WERE NOT ABLE TO RESOLVE DIFFERENCES IN NEAR FUTURE,
SUBSTANTIVE OBJECTION TO THIS BUT THOUGHT IT WOULD BE MUCH
BETTER FOR TWO SIDES TO HAVE AGREED TEXT AND NOT TO LEAVE
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SUBSTANTIVE DISCUSSIONS FOR CCD.

5. DISUCSSION THEN TURNED TO ARTICLE III OF BOTH DRAFTS.
FEDOROV PROPOSED ADDING TO US TEXT, AT END OF ARTICLE III,
PHRASE FROM SOVIET TEXT "INTERNATIONAL ECONOMIC AND
SCIENTIFIC COOPERATION IN UTILIZING, PRESERVING, AND
IMPROVING THE ENVIRONMENT FOR PEACEFUL PRUPOSES." DAVIES
AGREED TO RECOMMEND THIS FORMULATION.

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6. REGARDING ARTICLE IV OF SOVIET TEXT, DAVIES ARGUED INCLUSION IS UNNECESSARY. KASHIRIN CITED BIOLOGICAL WEAPONS CONVENTION AS PRECEDENT. HE CONCEDED THAT INTERNAL DOMESTIC SOVIET ACTIVITIES WOULD BE COVERED BY TREATY WITHOUT INCLUSION OF ARTICLE IV. HOWEVER, HE THOUGH THAT AS LONG AS THERE WAS A POSSIBILITY THAT OTHER STATES MIGHT NEED TO PASS DOMESTIC LEGILATION IN ORDER TO PREVENT VIOLATION OF TREATY PROVISIONS, ARTICLE IV SHOULD BE RETAINED. DAVIES AGREED TO INCLUDE ARTICLE IV IN HYPOTHET-ICAL JOINT DRAFT.

7. IN DISCUSSION OF ARTICLE V OF SOVIET DRAFT, DAVIES STATED US PREFERENCE TO AVOID REFERENCE TO SECURITY COUNCIL, ALTHOUGH STATES WOULD OBVIOUSLY BE FREE TO RESORT TO SECURITY COUNCIL IN ACCORDANCE WITH UN CHARTER. FEDOROV RESTATED SOVIET ARGUMENTS FOR SPECIFIC REFERENCE. HE ALSO EMPHASIZED IMPORTANCE TO SOVIETS OF REQUIRMENT THAT COMPLAINTANT PRESENT SUBSTANTIATING EVIDENCE. SOVIET VIEW IS THAT THERE SHOULD BE A "PRESUMPTION OF INNOCENCE" ON PART OF STATES CARRYING OUT ENVIRONMENTAL MODIFICATION ACTIVITY. FEDOROV CITED US HURRICANE EXPERIMENTS AS SUSCEPTIBLE TO COMPLAINTS, AS WELL AS "LOCAL AND REGIONAL" SOVIETS EXPERIMENTS. FEDOROV THOUGHT THAT FAILURE TO MENTION SECURITY COUNCIL WOULD LEAD TO PRESSURE TO CREAT OTHER INTERNATIONAL COMPLAIN MECHANISMS, CONTRARY TO US VIEW THAT SILENCE IS BEST WAY TO DEAL WITH ISSUE. DAVIES COUNTERED BY NOTING REQUIREMENT IN US DRAFT ARTICLE IV FOR STATES TO PROVIDE NECESSARY INFORMATION TO ASSURE CONFIDENCE IN COMPLIANCE WITH TREATY OBLIGATIONS. HE THOUGHT THERE WAS SOME OGIC TO SOVIET REQUIREMENT FOR SUPPORTING EVIDENCE ON THE PART OF THE COMPLAINANT AND THAT SOME LANGUAGE ALONG THESE LINES MIGHT BE WORKED
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OUT. HE PROPOSED BRACKETING SPECIFIC REFERENCES TO SECURITY COUNCIL. FEDOROV AGREED.

8. HOWEVER, FEDOROV CONTINUED TO RAISE OBJECTIONS TO US PROVISION ON SUPPLYING INFORMATION: WHO OR WHAT INTERNATIONAL BODY WOULD DETERMINE WHAT INFORMATION WAS "NECESSARY"? DAVIES RESPONDED THAT PARTY SUPPLYING INFO WOULD DETERMINE WHAT IT CONSIDERED ADEQUATE TO ASSURE CONFIDENCE. FEDOROV SUGGESTED MOVING REFERENCE TO INFORMATION EXCHANGE TO ARTICLE III. DAVIES AGREED TO CONSIDER THAT SUGGESTION BUT PROPOSED TO BRACKET SOVIET LANGUAGE ON "SUBSTANTIATING" EVIDENCE TOGETHER WITH REFERENCES TO SECURITY COUNCIL.

9. DAVIES NOTED THAT ARTICLE VI OF SOVIET TEXT REQUIRED

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MAJORITY OF PARTIES INCLUDING DEPOSITORIES, FOR AMENDMENT
WHEREAS US ARTICLE V CALLS FOR TWO THIRDS BUT DOES NOT
GIVE VETO ON AMENDMENTS TO DEPOSITORIES. UNDERLYING
QUESTION IS WHETHER THERE WILL BE A DEPOSITARY GOVERNMENTS
OR WHETHER, AS GIVAN EXPLAINED, UN SYG MIGHT BE DESIGNATED
AS DEPOSITARY. IT WAS AGREED THAT BOTH US AND SOVIET
AMENDMENTS PROCEDURE WOULD APPEAR IN JOINT DRAFT.

10. SOVIETS AGREED AD REFERENDUM TO DELEETE ARTICLE VII
OF SOVIET TEXT CALLING FOR REVIEW CONFERENCE. AFTER
LENGTHY DISCUSSION OF WITHDRAWAL PROVISION IN ARTICLE VIII OF SOVIET
TEXT, IT WAS AGREED TO BRACKET WITHDRAWAL PROVISION.
NUMBER OS STATES NECESSARY TO BRING TREATY INTO FORCE
(10 IN US DRAFT) WAS BRACKETED AND US AGREED TO INCLUSION
IN JOINT DRAFT OF LAST SENTENCE OF SOVIET ARTICLE X RE-
GARDING REGISTRATION OF TREATY UNDER ARTICLE 102 OF UN
CHARTER. IT WAS ALSO AGREED THAT IN ALL REFERENCES TO
DEPOSITORIES JOINT DRAFT WOULD INCLUDE BOTH US AND
SOVIET VARIANTS.

11. DELEGATION HEADS PLUS TWO ON EACH SIDE WILL MEET
PRIVATELY TOMORROW AT 11:00 A.M. TO PREPARE FINAL JOINT
BRACKETED TEXT FOR TRANSMISSION TO WASHINGTON AND MOSCOW.
A FINAL PLENARY IS SCHEDULED FOR TOMORROW AFTERNOON.
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